

Grantsville City
429 East Main Street
Grantsville, Utah 84029
Phone (435) 884-3411
Fax (435) 884-0426

Application for Dedication of Water To Grantsville City

Applicant Name _____

Phone# _____

Mailing Address _____

Fee amount paid \$ _____

Subdivision Name _____

Date paid _____

Number of ERUs receiving water ____ Indoor _____

Outdoor _____

Note: Grantsville City's water dedication requirements are described in Chapter 21, Subdivision Regulations, Section 21.5.1(7). The following water right information should be obtained from the records of the Utah Division of Water Rights.

Water Right number for water offered for dedicated _____.

Owner of Water Right _____.

Water Right limits _____ cfs/ _____ acre feet.

Change application number(s) _____. Application(s) status _____.

If a water share is being dedicated: name of water company _____.

Water share certificate number _____.

Current uses of water right or water share _____.

Place of use of water right or water shares _____.

Include the following documents with this application:

- ☐ Copy of recorded deed(s) showing ownership of water right.
- ☐ Copy of recorded deed(s) showing ownership of land where water right is used.
- ☐ Copies of completed Division of Water Rights Report of Conveyance forms.
- ☐ Division of Water Rights data printout for water right.
- ☐ Copy of water share certificate (if applicable)
- ☐ Calculation of necessary water per City Ordinances.
- ☐ This application is subject to a dedication fee. See Notice to Applicant below.
- ☐ Number of lots or units to be built _____.
- ☐ Acreage of Open space (irrigated – non-irrigated) _____.

Notice to Applicant

The following is a summary of the processes necessary to formalize a dedication of water to Grantsville City:

The City collects a \$ 500 Application fee sends a copy of this *Application for Dedication of Water* to Smith Hartvigsen for preliminary review and approval.

Smith Hartvigsen sends a copy of the *Application for Dedication of Water* to Stewart Water Information.

Stewart Water Information researches title to the water right and issues a title commitment and sends the title commitment and an invoice to Smith Hartvigsen for the "Title Fees," i.e., title research fees, the title policy premium, and \$500 for a final title check prior to the recording of the deed conveying the water to the City ("Deed").

Smith Hartvigsen reviews the water right for acceptability to the City, reviews the title commitment from Stewart Water Information, prepares the Deed and a *Water Right Change Application* ("Change Application"), and sends the Deed and Change Application to the Applicant for signature, along with the invoice for the Title Fees.

The Applicant executes the Deed and Change Application and returns the Deed to Smith Hartvigsen with a check payable to Smith Hartvigsen for the Title Fees, obtains the City's signature on the Change Application and files the Change Application with Utah Division of Water Rights (also known as the State Engineer's Office).

Smith Hartvigsen prepares and sends an opinion letter to the City addressing the acceptability of the water right and stating that it is in possession of the executed Deed and the Title Fees.

Smith Hartvigsen deposits the Title Fees into its Trust Account and pays Stewart Water Information for its initial title research. The remaining funds are held in trust for the future purchase of title insurance and the final title check. The Deed is held in escrow for delivery to the City upon approval of a Change Application transferring the water right into the City's system, which approval is acceptable to the City.

The City approves the Applicant's Water Dedication as acceptable, subject to the acceptability of the State Engineer's approval of the Change Application.

Upon the State Engineer's approval of the Change Application becoming final and non-appealable, the City reviews the approval to see that it is acceptable.

If the State Engineer's approval is acceptable:

The City notifies Smith Hartvigsen that it should record the Deed and purchase the title insurance policy. Smith Hartvigsen notifies Stewart Water Information that it is ready to record the Deed and to proceed with the final title check. Stewart Water Information completes the final title check and notifies Smith Hartvigsen that it is appropriate to record the Deed. Smith Hartvigsen records the Deed and pays Stewart Water Information for the final title check and the title insurance policy. Stewart Water issues the title insurance policy and delivers it to Smith Hartvigsen. Smith Hartvigsen sends the recorded Deed and title Insurance policy to the City.

If the State Engineer's approval is not acceptable, the City notifies the Applicant and Smith Hartvigsen of the problems and schedules a meeting to address the issues and outline the course of action that must be followed.

If the State Engineer's approval is acceptable, but insufficient quantities were approved, the City notifies the Applicant and Smith Hartvigsen of the shortage and the Applicant has 30 days to start this process over again for a water right to cover the shortage.

I have read the foregoing and I understand that I will be responsible for all legal fees and costs necessary to the procurement of the change application, deed preparation, reports of conveyance and all fees necessary to procure sufficient water and a policy of title insurance for the water.

Dated this _____ day of _____, 2008.

Signature of Applicant or Authorized Representative

Grantsville City Code

Sec. 28-22 Water Required for Development.

Every developer or potential residential or commercial water user who desires to install a new culinary or secondary water system or to connect to the City's Waterworks System shall comply with the requirements of this Section, prior to final development approval or prior to the issuance of a building permit for an individual residential or commercial activity.

- a. The use of culinary water from a source other than the City's Waterworks System may be allowed only if adequate water rights and volume of water are provided, the distribution system meets City standards, is approved by the City Engineer and Fire Department and the quality of culinary water meets the Safe Drinking Water Standards as verified by the Tooele County Health Department. Privately owned culinary water rights shall be permanently attached to the property in a manner approved by the City.
- b. The use of secondary water from a source other than the City's public water system may be allowed only if adequate water rights and volume of water are provided, the distribution system meets City standards and is approved by the City Engineer. Secondary water rights shall be permanently attached to the property in a manner approved by the City. If private irrigation company shares are used, they shall be transferred to the City for perpetual use upon the property and the owner or tenant shall be responsible for any assessments or other usage charges associated with the shares, which fees shall be collected by the City as a part of the City's regular billing for culinary water or other City services.
- c. Each application for a building permit, conditional use permit, subdivision approval or other development plan shall specify on a plot plan the outdoor areas that are proposed for irrigation and the proposed source of water to accommodate the same. The application shall also provide the details on the type of water system proposed, documentation of existing or proposed water rights and sources, historic water use, the estimated number of gallons per day of water systems requirements for indoor and outdoor use, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression. The developer or potential water user is required to provide dedicated or perpetual water rights or sources to meet the indoor and outdoor use requirements of all of the property and the rights shall be sufficient to meet the total volume of water used and a rate of flow sufficient to meet peak demand. If culinary water rights are to be conveyed to the City, the conveyance shall be of a type which is perpetual in character and readily capable of use by the City.
- d. The general requirement for outdoor water shall be one acre foot of water per one-third acre of net irrigated area or any portion thereof. Net irrigated acreage shall be considered to be 64 percent of the total area of a lot of up to one-half acre and 60 percent of the total acreage of lots over one-half acre in size. All open spaces within a development shall generally be considered as irrigated acreage and one acre foot of outdoor water per one-third acre or any portion thereof shall be required, unless a different plan is proposed by the developer and is approved by the City.

- e. The general requirement for indoor water is based upon two criteria. The water right shall allow the extraction of 800 gallons per day per connection and the yearly extraction shall be sufficient to provide 0.45 acre-feet per connection. The indoor water necessary for a nonresidential development shall be calculated by estimating the indoor water service demands as verified by the City engineer.
- f. Amendments to existing platted subdivisions that require only up to a total of two acre feet of additional indoor water and only up to a total of eight acre feet of additional outdoor water for full development, may at the option of the owner or developer and in lieu of providing actual water rights to the City, pay at the time each building permit is issued for each lot, the applicable indoor and outdoor water rights acquisition impact fees as specified by Chapter 30 of the Grantsville City Code. Minor Subdivisions, small subdivisions and small planned unit developments which have a projected indoor and outdoor water usage comparable to four or fewer single family dwellings are also exempt from the requirements to provide indoor and outdoor water. A water acquisition impact fee will be charged pursuant to the provisions of Chapter 30 of the Grantsville City Code under such circumstances that the conveyance of water rights is waived.
- g. Notwithstanding anything to the contrary specified in this Section, property that is proposed for a subdivision or a minor subdivision that was originally included as a part of a parcel that was previously developed as a major platted subdivision, shall require the conveyance of the necessary culinary and secondary water rights to the City, even if the new proposed subdivision or minor subdivision has four or fewer lots or requires no more than two acre feet of indoor water or no more than eight acre feet of outdoor water.
- h. Anyone providing their own water rights for a development or conveying water rights to the City shall also be required to pay for and submit to the City an opinion from an independent water rights attorney to be designated or approved by the City, indicating the legal status of the water rights to be attached to the property or conveyed to the City, whether or not the water will meet the requirements of the City ordinances and that the transaction will be effective in attaching the required water rights to the property or conveying the required water and water rights to the City. When water rights, not including shares of a private irrigation company, are to be conveyed to the City, the Developer shall also obtain and pay for a policy of title insurance for the culinary water rights in an amount to be approved by the City and provide a valid deed or certificate to the City for all required secondary water rights. The transfer of secondary water rights from a private irrigation company shall be accompanied with a current letter from the irrigation company that issued the secondary water rights, indicating that the water rights are valid and that the conveyance to the City will be or is recognized by the irrigation company.
- i. Any denial of a building permit or development approval because of non-compliance with the provisions of this Section may be appealed to the City Council, provided a written appeal is filed with the City Recorder within 30 days of said denial. The decision of the City Council shall be final.